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**SF 456** – Weapons Permits, Mental Health Disabilities (LSB 2720SV)  
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Fiscal Note Version – New

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**Description**

**Senate File 456** requires information regarding orders or judgments due to mental health commitments or adjudications to be forwarded by district court clerks to the Department of Public Safety (DPS). The DPS is required to forward the information to the Federal Bureau of Investigations (FBI) for the sole purpose of inclusion in the National Instant Criminal Background Check System (NICS) Database. The Bill requires State Court Administrator to coordinate with the DPS to forward only information necessary to identify a person subject to an order or judgment specified in the Bill, and applies to any such order or judgment that was issued prior to January 1, 2011, that is available electronically in the Iowa Court Information System (ICIS). The Bill takes effect upon enactment and provides timeframes for completion of various provisions.

The Bill also requires the court to grant a petition for relief if a preponderance of the evidence indicates that the petitioner will not be likely to act in a manner dangerous to the public safety and that the granting of the relief would not be contrary to the public interest. If the court issues an order granting a petition for relief, the clerk of district court is required to immediately notify the DPS. Within 10 business days, the DPS must notify the U.S. Department of Justice and remove the petitioner's name from any database supplied to the NICS.

**Background**

Federal funds have been provided in the past through the Department of Justice to assist states in compliance with the NICS database. In federal fiscal year 2009, there were three states that received funding with grants averaging \$836,000. In federal fiscal year 2010, there were eight states that received federal funding with grants averaging \$2.1 million. The proposed program in Iowa would require approval by the federal Bureau of Alcohol, Tobacco and Firearms (ATF) before federal funds would be available. Federal funds have not yet been authorized for federal fiscal year 2011.

**Assumptions**

- The Bill requires development of an automated process to retrieve mental health commitment orders for all cases in ICIS, forwarding only information necessary to identify a person to DPS. Due to other projects already in process, a portion (or all) of the project may have to be outsourced.
- Due to inconsistencies in entering and coding data by clerks of court over the years, the Judicial Branch anticipates a significant amount of data cleansing will be required. The estimated staff time per county is approximately 37 hours (one week) of current employee staff time.

**Fiscal Impact**

The additional one-time cost to the Judicial Branch is estimated to be a minimum of \$230,000 and could be significantly higher, depending on the amount of time required to review and process the data. There may be federal funds available to offset the programming costs, but the amount is unknown.

	<u>Hours</u>	<u>Cost Per Hour</u>	<u>Total</u>
Design	80	\$ 85	\$ 6,800
Development	320	130	41,600
Testing	60	80	4,800
Documentation and Training	40	50	2,000
Clerks Training Time	200	50	10,000
Clerks Research Time For Data Scrubbing	3,296	50	164,800
			<u>\$ 230,000</u>

**Sources**

Judicial Branch  
Department of Public Safety

/s/ Holly M. Lyons

March 14, 2011

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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